

BEFORE THE OHIO POWER SITING BOARD

In the Matter of the Application of)	
Hecate Energy Highland 4, LLC for a)	Case No. 20-1288-EL-BGN
Certificate of Environmental)	
Compatibility and Public Need to)	
Construct a Solar-Powered Electric)	
Generating Facility in Clay and)	
Whiteoak Townships, Highland County,		
Ohio		

JOINT STIPULATION AND RECOMMENDATION

I. INTRODUCTION

Applicant Hecate Energy Highland 4, LLC (“Hecate Energy” or “Applicant”), the Ohio Farm Bureau Federation and the Staff of the Ohio Power Siting Board (“Staff”), at times collectively referred to as the “Parties,” submit this *Joint Stipulation and Recommendation* for adoption by the Ohio Power Siting Board (the “Board”), resolving all issues between the Parties pertinent to issuance of a Certificate of Environmental Compatibility and Public Need (“Certificate”) for the Applicant’s New Market Solar Farm. Ohio Admin. Code 4906-2-24(A) provides that any two or more parties to a proceeding may enter into a written stipulation covering proposed resolution of the issues presented in the proceeding. The purpose of this document is to set forth the understanding and agreement of the Parties to this proceeding who have signed below and to jointly recommend that the Board approve and adopt this *Joint Stipulation and Recommendation* and incorporate it as part of the Opinion, Order and Certificate issued to Applicant as a result of this proceeding.

II. STIPULATION AND RECOMMENDATIONS

A. Recommended Conditions of Certificate Issuance

The Parties stipulate and agree and recommend to the Board that the following conditions be included in the Certificate issued by the Board to the Applicant:

- (1) The Applicant shall install the facility, utilize equipment and construction practices, and implement mitigation measures as described in the application and as modified and/or clarified in supplemental filings, replies to data requests, and recommendations in the *Staff Report of Investigation*, as modified by this *Joint Stipulation and Recommendation*.
- (2) The Applicant shall conduct a preconstruction conference prior to the commencement of any construction activities. Staff, the Applicant, and representatives of the primary contractor and all subcontractors for the project shall attend the preconstruction conference. The conference shall include a presentation of the measures to be taken by the Applicant and contractors to ensure compliance with all conditions of the certificate, and discussion of the procedures for on-site investigations by Staff during construction. Prior to the conference, the Applicant shall provide a proposed conference agenda for Staff review. The Applicant may conduct separate preconstruction conferences for each stage of construction.
- (3) Within 60 days after the commencement of commercial operation, the Applicant shall submit to Staff a copy of the as-built specifications for the entire facility. If the Applicant demonstrates that good cause prevents it from submitting a copy of the as-built specifications for the entire facility within 60 days after commencement of commercial operation, it may request an extension of time for the filing of such as-built specifications. The Applicant shall use reasonable efforts to provide as-built drawings in both hard copy and as geographically referenced electronic data.
- (4) The certificate shall become invalid if the Applicant has not commenced a continuous course of construction of the proposed facility within five years of the date of journalization of the Certificate, unless the Board grants a waiver or extension of time.
- (5) As the information becomes known, the Applicant shall file in this proceeding the date on which construction will begin, the date on which construction was completed, and the date on which the facility begins commercial operation.
- (6) Prior to the commencement of construction activities in areas that require permits or authorizations by federal or state laws and regulations, the Applicant shall obtain and comply with such permits or authorizations. The Applicant shall provide copies of permits and authorizations, including all supporting documentation, to Staff no less than seven days prior to the applicable construction activity. The Applicant shall provide a schedule of construction activities and acquisition of corresponding permits for each activity at the preconstruction conference.

- (7) To the extent permitted by R.C. 4906.13(B), the Certificate authority provided in this case shall not exempt the facility from any other applicable and lawful local, state, or federal rules or regulations nor be used to affect the exercise of discretion of any other local, state, or federal permitting or licensing authority with regard to areas subject to their supervision or control.
- (8) At least 30 days prior to the preconstruction conference, the Applicant shall submit to Staff, for review and acceptance, one set of detailed engineering drawings of the final project design and mapping in the form of PDF, which the Applicant shall also file on the docket of this case, and geographically referenced data (such as shapefiles or KMZ files) based on final engineering drawings to confirm that the final design is in conformance with the certificate. Mapping shall include the limits of disturbance, permanent and temporary infrastructure locations, areas of vegetation removal and vegetative restoration as applicable, and specifically denote any adjustments made from the siting detailed in the application. The detailed engineering drawings of the final project design shall account for geological features (including, but not limited to Karst topography or earthwork considerations) and include the identity of the registered professional engineer(s), structural engineer(s), or engineering firm(s), licensed to practice engineering in the state of Ohio who reviewed and approved the designs. All final geotechnical study results shall be included in the submission of this final project design to Staff. If any changes to the project layout are made after the submission of final engineering drawings, the Applicant shall provide all such changes to Staff in hard copy and as geographically referenced electronic data. All changes are subject to Staff review to ensure compliance with all conditions of the Certificate prior to construction in those areas.
- (9) At least seven days prior to the start of construction and at least seven days prior to the start of facility operations, the Applicant shall notify via mail affected property owners and tenants including those individuals who were provided notice of the public information meeting, residences located within one mile of the project area, parties to this case, county commissioners, township trustees, emergency responders, schools, and libraries, as well as anyone who has requested updates regarding the project. These notices shall provide information about the project, including contact information, a copy of the complaint resolution plan and a reference to the Board's docketing information system for additional information. The start of construction notice shall include a timeline for construction and restoration activities. The start of facility operations notice shall include a timeline for the start of operations. The Applicant shall file a copy of these notices on the public docket, including written confirmation that the Applicant has complied with all preconstruction-related conditions of the Certificate. During the construction and operation of the facility, the Applicant shall submit to Staff a complaint summary report by the fifteenth day of April, July, October, and January of each year through the first five years of operation. The report shall include a list of all complaints received through the Applicant's complaint resolution process, a description of the actions taken toward the resolution of each complaint, and a status update if the complaint has yet to be resolved.

- (10) The facility shall be operated in such a way as to assure that no more than 100 megawatts would be injected at any time into the Bulk Power System.
- (11) General construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m., or until dusk when sunset occurs after 7:00 p.m. Impact pile driving shall be limited to the hours between 9:00 a.m. and 7:00 p.m., or until dusk when sunset occurs after 7:00 p.m. Impact pile driving may occur between 7:00 a.m. and 9:00 a.m. if the noise impact at non-participating receptors is not greater than daytime ambient Leq plus 10 dBA. Hoe ram operations, if required, shall be limited to the hours between 10:00 a.m. and 4:00 p.m., Monday through Friday. Construction activities that do not involve noise increases above ambient levels at sensitive receptors are permitted outside of daylight hours when necessary. The Applicant shall notify property owners or affected tenants within the meaning of Ohio Adm. Code 4906-3-03(B)(2) of upcoming construction activities including potential for nighttime construction.
- (12) Prior to commencement of any construction, the Applicant shall prepare a landscape and lighting plan in consultation with a landscape architect licensed by the Ohio Landscape Architects Board that addresses the aesthetic and lighting impacts of the facility with an emphasis on any locations where an adjacent non-participating parcel contains a residence with a direct line of sight to the project area and also include a plan describing the methods to be used for fence repair. The plan shall include measures such as fencing, vegetative screening, or good neighbor agreements. Unless alternative mitigation is agreed upon with the owner of any such adjacent, non-participating parcel containing a residence with a direct line of sight to the fence of the facility, the plan shall provide for the planting of vegetative screening designed by the landscape architect to enhance the view from the residence and be in harmony with the existing vegetation and viewshed in the area. The Applicant shall plant especial vegetative screening along Stringtown Road, Edwards Road, South Hollowtown Road, and West New Market Roads. The Applicant shall maintain vegetative screening for the life of the facility and the Applicant shall replace any failed plantings so that, after five years, at least 90 percent of the vegetation has survived. The Applicant shall maintain all fencing along the perimeter of the project in good repair for the term of the project and shall promptly repair any damage as needed. Lights shall be motion-activated and designed to narrowly focus light inward toward the facility, such as being downward-facing and/or fitted with side shields. The Applicant shall provide the plan to Staff for review and confirmation that it complies with this condition.
- (13) The Applicant shall avoid, where possible, or minimize to the extent practicable, any damage to functioning field tile drainage systems and soils resulting from the construction, operation, and/or maintenance of the facility in agricultural areas. Damaged field tile systems shall be promptly repaired to at least original conditions or modern equivalent at the Applicant's expense. The affected landowner(s) may agree to not having the damaged field tile system repaired only if the field tile systems of adjacent landowners remain unaffected by the non-repair of the landowner's field tile system.

- (14) At least 30 days prior to construction, the Applicant shall submit an updated noise study, using best available noise data for the inverter and substation transformer chosen for the project. The updated noise study shall show that sound levels will not exceed the L90 ambient level identified in the ambient noise level study performed by Applicant and referenced in the *Staff Report of Investigation* plus five dBA at any non-participating sensitive receptor
- (15) At least 30 days prior to the preconstruction conference, the Applicant shall submit an updated decommissioning plan that includes a provision that the decommissioning financial assurance mechanism include a performance bond where the company is the principal, the insurance company is the surety, and the Ohio Power Siting Board is the obligee.
- (16) If horizontal directional drilling is required the Applicant shall docket a frac-out contingency plan seven days before horizontal directional drilling is used.
- (17) The Applicant shall adhere to seasonal cutting dates of October 1 through March 31 for the removal of trees three inches or greater in diameter to avoid impacts to Indiana bats and northern long-eared bats, unless coordination with the Ohio Department of Natural Resources (ODNR) and the U.S. Fish and Wildlife Service (USFWS) allows a different course of action.
- (18) The Applicant shall have an environmental specialist on site during construction activities that may affect sensitive areas to be mutually agreed upon by Staff and the Applicant. Sensitive areas which would be impacted during construction shall be identified on a map provided to Staff and may include, but are not limited to, wetlands and streams, and locations of threatened or endangered species. The environmental specialist shall be familiar with water quality protection issues and potential threatened or endangered species of plants and animals that may be encountered during project construction. The environmental specialist mutually agreed upon by Staff and the Applicant shall be authorized to report any issues simultaneously to Staff and the Applicant. To allow time for the Applicant and Staff to respond to any reported issues, the environmental specialist shall have authority to stop construction activities for up to 48 hours if the construction activities are creating unforeseen environmental impacts in the sensitive areas identified on the map.
- (19) The Applicant shall contact Staff, the ODNR, and the USFWS within 24 hours if state or federal listed species are encountered during construction activities. Construction activities that could adversely impact the identified plants or animals shall be immediately halted until an appropriate course of action has been agreed upon by the Applicant, Staff and the appropriate agencies. If any listed plant or animal species are encountered prior to construction, the Applicant shall include the location and how impacts would be avoided in a final access plan to be provided to Staff prior to the preconstruction conference.

- (20) The Applicant shall construct the facility in a manner that incorporates post construction stormwater management under OHC00005(Part III.G.2.e, pp 19-27) as applicable in accordance with the applicable requirements of the Ohio Environmental Protection Agency’s Guidance on Post-Construction Storm Water Controls for Solar Panel Arrays.
- (21) The Applicant will take steps to prevent establishment and/or further propagation of noxious weeds identified in Ohio Adm. Code Chapter 901:5-37 during implementation of any pollinator-friendly plantings.
- (22) Prior to commencement of construction activities that require transportation permits, the Applicant shall obtain all such permits. The Applicant shall coordinate with the appropriate authority regarding any temporary road closures, road use agreements, driveway permit, land closures, road access restrictions, and traffic control necessary for construction and operation of the proposed facility. Coordination shall include, but not be limited to, the county engineer, the Ohio Department of Transportation, local law enforcement, and health and safety officials. The Applicant shall detail this coordination as part of a final transportation management plan submitted to Staff prior to the preconstruction conference for review and confirmation by Staff that it complies with this condition.
- (23) At least 30 days prior to the preconstruction conference, the Applicant shall provide the status (i.e. avoidance, mitigation measures, or capping) of each water well in the project area. The Applicant shall indicate to Staff whether the nearest solar components to each uncapped well within the project area meets or exceeds any applicable minimum isolation distances outlined in Ohio Adm. Code 3701-28-7.

B. Recommended Findings of Fact

The Parties stipulate and agree that the record in this case, provided the Board approves and incorporates into any Certificate ultimately issued, the Recommended Conditions at Paragraph A. of this Section III, of this *Joint Stipulation and Recommendation*, contains sufficient probative evidence for the Board to find and determine, the following Findings of Fact:

1. The Applicant is licensed to do business in the State of Ohio.
2. The Applicant proposes to construct and operate the New Market Solar Farm (“New Market Solar Farm” or “Project”), a 100 megawatt (“MW”) solar-powered electric generating facility to be located on approximately 1,116 acres in Clay and Whiteoak Townships, Highland County, Ohio (“Project Area”). The New Market Solar Farm is a “major utility facility”

within the meaning of R.C. 4906.01(B)(1). The Project consists of two separate and distinct projects: New Market I, which is a 65 MW project which will occupy approximately 602 acres of a total of 802 acres of the Project Area; and (2) New Market II, which is a 35 MW project which will occupy approximately 222 acres of a total of 292 acres of the Project Area. The application addresses each of the substantive requirements of R.C. Chapter 4906 and Ohio Admin. Code Chapters 4906-3 and 4906-4 for each of the projects.

3. On July 16, 2020, the Applicant filed a Motion for Waiver of the requirement of Ohio Admin. Code 4906-3-03(B) to conduct a public information meeting “in the area in which the project is located.” Given the pandemic and the associated limitations on gatherings and social distancing, the Applicant proposed to conduct the public information meeting “virtually” as described in its Motion. The Motion was granted on July 29, 2020.

4. August 7, 2020, the Applicant filed a pre-application notification letter notifying the Board of Applicant’s plan to develop the facility and the date of the public informational hearing, as required by Ohio Adm. Code 4906-3-03(A).

4. On August 24, 2020, Applicant hosted a virtual public informational meeting as described in its Motion.

5. On August 27, 2020, Applicant filed proof of service of notice of the foregoing public information meeting as required by Ohio Admin. Code 4906-3-03(B)(1) and (2) as well as its publication of that notice in the Hillsborough Times-Gazette, the Highland County Press and the Brown County Press, each newspapers of general circulation in the Project area, on August 14, 2020, August 15, 2020 and August 16, 2020 respectively.

6. On September 2, 2020, Applicant filed its application, along with two motions: (a) a Motion for Waiver of the requirements of Ohio Admin. Code 4906-4-08(D)(1) through (4); and

(b) a Motion for a Protective Order to maintain certain information contained in the application confidential.

7. On October 13, 2020, Staff filed a Memorandum Contra the Applicant's Motion for Waiver with respect to the requirement of Ohio Admin. Code 4906-4-08(D)(1) regarding landmark mapping.

8. On October 20, 2020, the Applicant filed the map required by Ohio Admin. Code 4906-4-08(D)(1). It also filed a Reply to Staff's Memorandum Contra indicating that because the Applicant had satisfied the requirement of Ohio Admin. Code 4906-4-08(D)(1), that portion of its Motion for Waiver was now moot. The Applicant noted that it had also sought a waiver of the requirements of Ohio Admin. Code 4906-4-08(D)(2) through (4) to which Staff had no objection.

9. On November 2, 2020, the Applicant received correspondence from the Board that its application was "complete" in accordance with Ohio Admin. Code 4906-3-06(A) and that Staff intended to begin its review of the application.

10. On November 18, 2020, the Administrative Law Judge granted Applicant's Motion for Waiver of Ohio Admin. Code 4906-4-08(D)(2) through (4), granted Applicant's Motion for a Protective Order with respect to the confidential information contained in its application and established the procedural schedule for the remainder of the proceedings.

11. On December 1, 2020, the Applicant filed a request that the Board: (1) issue an Opinion, Order and Certificate to Hecate Energy Highland 4, LLC for the entirety of the 100 MW Project, (2) simultaneously with issuance of its Opinion, Order and Certificate to Hecate Energy Highland 4, LLC, immediately bifurcate or split the Certificate into two parts: the first for New Market Solar I, the 65 MW facility to be constructed and operated by Hecate Energy Highland 4, LLC and the second for New Market Solar II, the 35 MW facility to be constructed and operated

by Hecate Energy Highland 2, LLC; and (3) assign the 35 MW portion of the bifurcated certificate from Hecate Energy Highland 4, LLC to Hecate Energy Highland 2, LLC.

12. On December 14, 2020, the Applicant filed its proof that it had served the initial public notice required by R.C 4906.06, Ohio Admin. Code 4906-3-09(A)(1) and 4906-3-10(A) on the individual and entities required to be served and published that initial public notice in the Hillsboro Times-Gazette, the Highland County Press and the Brown County Press on December 11, 2020, December 12, 2020 and December 13, 2020 respectively.

13. On December 21, 2020, the Ohio Farm Bureau Federation filed a Motion to Intervene. Neither the Board Staff nor the Applicant opposed the Ohio Farm Bureau Federation's Motion. The ALJ granted the Motion on January 21, 2021.

14. On January 4, 2021, Board Staff filed its Staff Report of Investigation, reflecting the conclusion of its investigation and its findings and recommendations with respect to the Application for consideration by the Board.

15. On January 13, 2021, Applicant filed its proof of service of the second public notice required by Ohio Admin. Code 4906-3-09(A)(2) and 4906-3-10(B) as well as publication of that second public notice in the Hillsboro Times-Gazette, the Highland County Press and the Brown County Press on January 5, 2021, January 9, 2021 and January 10, 2021.

16. A local public hearing was held on January 19, 2021, beginning at 6pm virtually via WebEx.

17. The adjudicatory hearing is scheduled for January 25, 2021, beginning at 10:00 am, to be held virtually via WebEx.

18. Because no electric transmission line or gas pipeline is being proposed in this Application, R.C. 4906.10(A)(1) is not applicable.

19. Adequate data on the New Market Solar Farm has been provided to determine the nature of the probable environmental impact as required by R.C. 4906.10(A)(2)

20. Adequate data on the New Market Solar Farm has been provided to determine that the facilities described in the Application and supplemental filings and subject to the Recommended Conditions in this *Joint Stipulation and Recommendation* represent the minimum adverse environmental impact, considering the available technology and nature and economics of the various alternatives, and other pertinent considerations as required by R.C. 4906.10(A)(3).

21. Adequate data on the New Market Solar Farm has been provided to determine that the proposed electric generating facility is consistent with regional plans for expansion of the electric power grid of the electric systems serving the State of Ohio and interconnected utility systems, that the New Market Solar Farm will serve the interests of electric system economy and reliability and the requirements of R.C. 4906.10(A)(4) are met.

22. Adequate data on the New Market Solar Farm has been provided to determine that this facility will either comply with, or is not subject to, the requirements in the Ohio Revised Code regarding air and water pollution control, withdrawal of waters of the state, solid and hazardous waste, air navigation, and all regulations thereunder, as required by R.C. 4906.10(A)(5).

23. Adequate data on the New Market Solar Farm has been provided to determine that it will serve the public interest, convenience and necessity, as required by R.C. 4906.10(A)(6).

24. Adequate data on the New Market Solar Farm has been provided to determine what its impact will be on the viability as agriculture land of any land in the existing agricultural district established under R.C. Chapter 929 that is located within the site of the proposed facility, as required by R.C. 4906.10(A)(7).

25. Adequate data on the New Market Solar Farm has been provided to determine that the facility as proposed incorporates maximum feasible water conservative practices, considering available technology and the nature and economics of the various alternatives as required by R.C. 4906.10(A)(8).

26. The record evidence in this matter provides sufficient factual data to enable the Board to make an informed decision.

C. Recommended Conclusions of Law

The Parties agree that the record in this case, provided the Board approves and incorporates into an Certificate ultimately issued the Recommended Conditions at Paragraph A. of Section III, of this *Joint Stipulation and Recommendation*, contains sufficient probative evidence for the Board to find and determine, the following Conclusions of Law:

1. Applicant is a “person” under R.C. 4906.01(A).
2. The proposed New Market Solar Project is a “major utility” facility as defined in R.C. 4906.01(B)(1).
3. The Applicant’s notices provided pursuant to R.C. 4906.06(C), Ohio Admin. Code 4906-3-09(A)(1), and Ohio Admin. Code 4906-3-09(A)(1), as evidenced by the December 14, 2020 and January 13, 2021 proofs of notice, provided adequate notice to allow persons identified in R.C. 4906.06(C) to participate effectively in the proceeding.
4. The record establishes the nature of the probable environmental impact from construction, operation and maintenance of the New Market Solar Farm under R.C. 4906.10(A)(2).
5. The record establishes that the New Market Solar Farm described in the application and the various supplements thereto, and subject to the conditions in this *Joint Stipulation and*

Recommendation, represent the minimum adverse environmental impact, considering the state of available technology, and the nature and economics of the various alternatives, and other pertinent considerations under R.C. 4906.10(A)(3).

6. The record establishes that the New Market Solar Farm is consistent with regional plans for expansion of the electric power grid of the electric systems serving the State of Ohio and interconnected utility systems, and will serve the interests of electric system economy and reliability as required by R.C. 4906.10(A)(4).

7. The record establishes, as required by R.C. 4906.10(A)(5) that to the extent that it is applicable, construction of the proposed New Market Solar Farm will comply with the requirements in the Ohio Revised Code regarding air and water pollution control, withdrawal of waters of the state, solid and hazardous waste, air navigation, and all rules and standards adopted under the relevant Chapters of the Ohio Revised Code.

8. The record establishes that the New Market Solar Farm described in the Application, and subject to the conditions in this *Joint Stipulation and Recommendation*, will serve the public interest, convenience and necessity under R.C. 4906.10(A)(6).

9. The impact of the New Market Solar Farm on the viability as agricultural land of any land in an existing agricultural district has been determined under R.C. 4906.10(A)(7).

10. The record establishes that the New Market Solar Farm would incorporate maximum feasibility water conservation practices under R.C. 4906.10(A)(8).

11. Based on the record, the Parties recommend that the Board issue a Certificate of for construction and operation of the New Market Solar Farm.

IV. BIFURCATION

1. The Parties stipulate and agree and recommend to the Board that, consistent with the Applicant's request, the Board: (a) issue a Certificate to Hecate Energy Highland 4, LLC for the entirety of the 100 MW Project, (b) simultaneously with issuance of its Certificate to Hecate Energy Highland 4, LLC, immediately bifurcate or split the Certificate into two parts: , the first for New Market Solar I, the 65 MW facility to be constructed and operated by Hecate Energy Highland 4, LLC; and the second for New Market Solar II, the 35 MW facility to be constructed and operated by Hecate Energy Highland 2, LLC; and (c) assign the 35 MW portion of the Certificate to Hecate Energy Highland 2, LLC.

V. OTHER TERMS AND CONDITIONS

1. This *Joint Stipulation and Recommendation* is expressly conditioned upon its acceptance by the Board without material modification. In the event the Board rejects or materially modifies all or part of this *Joint Stipulation and Recommendation* or imposes additional conditions or requirements upon the Parties, each party shall have the right, within thirty (30) days of the Board's Order, to file an application for rehearing with the Board. Upon an entry on rehearing being issued by the Board maintaining the material modification to the *Joint Stipulation and Recommendation*, each party shall have the right, within ten (10) days of the Board's order on rehearing, to file a notice of termination of, and withdrawal from, the *Joint Stipulation and Recommendation*. Upon notice of termination and withdrawal of the *Joint Stipulation and Recommendation* by any party, pursuant to the above provisions, the *Joint Stipulation and Recommendation* shall immediately become null and void. In such an event, a hearing shall go forward, and the Parties shall be afforded the opportunity to present evidence through witnesses, to cross-examine all witnesses, to present rebuttal testimony, and to file briefs on all issues.

2. The Parties agree and recognize that this *Joint Stipulation and Recommendation* has been entered into only for the purpose of this proceeding. Each Party agrees not to assert against another party in any proceeding before the Board or any court, other than in a proceeding to enforce the terms of this *Joint Stipulation and Recommendation*, that party's participation in this *Joint Stipulation and Recommendation* as support for any particular position on any issue. Each Party further agrees that it will not use this *Joint Stipulation and Recommendation* as factual or legal precedent on any issue. The Parties request that the Board recognize that its use of this *Joint Stipulation and Recommendation* in any proceeding other than this proceeding is contrary to the intentions of the parties entering into this *Joint Stipulation and Recommendation*.

3. The undersigned hereby stipulate, agree and represent that they are authorized to enter into this *Joint Stipulation and Recommendation* on this 22 day of January, 2021. Furthermore, the Parties expressly agree that this *Joint Stipulation and Recommendation* may be amended and/or supplemented in a writing executed by the Parties.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio’s e-filing system will automatically serve notice of the filing of this *Joint Stipulation and Recommendation* referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned certifies that a courtesy copy of this *Joint Stipulation and Recommendation* has been emailed to the following:

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Summary: Stipulation Joint Stipulation and Recommendation electronically filed by Ms. Karen A. Winters on behalf of Hecate Energy Highland 4 LLC